

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Stanley Dale Haines,)	
)	C/A No. 8:09-3235-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
Sheriff H. Wayne DeWitt, Berkeley)	
County Sheriff's Department,)	
)	
Defendant.)	
_____)	

At the time of the underlying complaint, Plaintiff Stanley Dale Haines was a detainee at the Hill Finklea Detention Center in Moncks Corner, South Carolina. Plaintiff contends that his constitutional rights have been violated in various respects. Plaintiff brings this action pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bruce H. Hendricks for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915, 1915A, and the Prison Litigation Reform Act of 1996. On January 12, 2010, the Magistrate Judge issued a Report and Recommendation in which she noted that the complaint contains no allegations as to Defendant of any individual wrongdoing or potential supervisory liability for anyone else's wrongdoing. Accordingly, the Magistrate Judge recommended that the case be summarily dismissed for failure to state a claim upon which relief may be granted and because the complaint is frivolous. Plaintiff was advised of his right to file objections to the Report and Recommendation. On January 12, 2010, a copy of the Report and Recommendation was sent to Plaintiff at his last known address at the Hill Finklea Detention Center.

On January 13, 2010, Plaintiff provided the court with a change of address. On January 13, 2010, a copy of the Report and Recommendation was forwarded to Plaintiff at his new address. Plaintiff has filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record. The court adopts the Report and Recommendation incorporates it herein by reference. The case is summarily dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina
February 4, 2010.

NOTICE OF RIGHT TO APPEAL

**Plaintiff is hereby notified of the right to appeal this order
pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**